

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**  
**FILED**  
2002 MAY 30 PM 6:21

In re: ) Chapter 11 CLERK  
W. R. GRACE & CO., et al ) US BANKRUPTCY COURT  
 ) DISTRICT OF DELAWARE  
 ) Case No. 01-01139 (JFK)  
 )  
 )  
Debtors. ) (Jointly Administered)  
)

**NOTICE OF FILING OF AMENDED PROOF OF CLAIM  
OF JOHN AND MARGERY PREBIL (ZONOLITE ATTIC INSULATION)**

Please take notice that on May 30, 2002, John and Margery Prebil ("The Prebils") filed the attached Amended Proof of Claim with the Court and served it upon all parties on the attached service list.

ELZUFON AUSTIN REARDON  
TARLOV & MONDELL, P.A.

\_\_\_\_\_  
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Dated: May 30, 2002

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
W.R. GRACE & CO., et al.	)	Bankruptcy No. 01-01139 (JFK)
	)	(Jointly Administered)
Debtors.	)	
	)	Objection Deadline: TBD
	)	Hearing Deadline: TBD

**AMENDED PROOF OF CLAIM OF JOHN AND  
MARGERY PREBIL (ZONOLITE ATTIC INSULATION)**

COME NOW John and Margery Prebil and present their Amended and Resated Proof of Claim against the debtors.

**A. Name and address of Claimant.**

John and Margery Prebil <sup>1</sup>	c/o Allan M. McGarvey
	745 South Main
	Kalispell, Montana 59901
	Phone: (406) 752-5566
	Fax: (406) 752-7124

**B. Statement of Claim.**

**1. ZAI contamination.**

The home of John and Margery Prebil has been contaminated with asbestos from Zonolite Attic Insulation (herein "ZAI"). ZAI consists of expanded vermiculite which is permeated with tremolite asbestos. The installation of the ZAI and each succeeding

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<sup>1</sup>The Prebils file this proof of claim on an individual basis but, pursuant to the Court's directions, reserve the right to file a class proof of claim on behalf of similarly situated claimants.

disturbance of the loose-fill insulation has released dust with very high numbers of respirable asbestos fibers. This asbestos dust contaminates the Prebil home by a) airborne dispersal during and following each disturbance activity (at levels of 2 to 15 f/cc); b) by accumulation of the settled dust on attic surfaces which dust contains asbestos concentrations of tens of millions structures per square foot; and c) asbestos and asbestos dust accumulations in the living spaces of the home including the bedroom into which ZAI and asbestos dust poured and collected during renovation activities.

## **2. Injuries to property.**

As a result of the asbestos contamination from ZAI, the Prebils have suffered injuries to their property including the following:

- a. Concentrations of asbestos dust in the attic has sharply diminished the market value of the home in an amount not to exceed the cost of removal of the asbestos contamination and associated costs. [For example, by fact sheets dated October 15,2001, and September 2000, the E.P.A. announced that "anytime Zonolite is disturbed it will release fibers into the air," that "these fibers can be inhaled and become trapped in the lungs and may cause disease such as asbestosis, lung cancer and mesothelioma," and that occupants of ZAI homes should "avoid any activities that may spread vermiculite" and avoid (for example) "using the attic for storage" (See Exhibits 1 and 2). These

officially recognized impairments of the use and safety of the Prebil home have diminished its value and marketability.]

- b. The property bears the added cost burden of compliance with occupational health and industrial hygiene standards and procedures each time a contractor, electrician, insulator, etc. is hired to complete typical rewiring, remodeling, insulation and related activities in the Prebil attic [For example, rewiring or remodeling in a ZAI attic will commonly cause occupational exposures to the contractor which exceed the EPA's standard (1.0 f/cc) for even a short term (30 minutes) occupational exposure. In fact sheet dated September 2000, the E.P.A. has recommended the use of "certified" professionals to remove ZAI "using a 'negative pressure enclosure' technique" before any remodeling involving the attic of a ZAI home. (See Exhibit 2)]
- c. The living areas of the Prebil home, including a bedroom, have been contaminated by ZAI and asbestos dust transported from the attic resulting in continuous 24-hour a day exposure necessitating the cost of decontamination of the living spaces of the Prebil home.
- d. The hidden, undisclosed and self-concealing nature of the asbestos contamination requires communication of warnings to any current or successor occupants of the home, and to others who are likely to contact or disturb the attic insulation and/or the asbestos dust

contamination. The hidden asbestos danger also causes the expense of containing airborne asbestos whenever ZAI is likely to be disturbed or the attic accessed by uninformed individuals.

**3. Legal theories for claim.**

- a. Strict product liability.
- b. Negligence.
- c. Deceit, fraudulent concealment, and fraud by non-disclosure.

**4. Total amount of claim.** Twenty Thousand (\$20,000.00) Dollars.

**5. Secured/Unsecured** This is an unsecured claim.

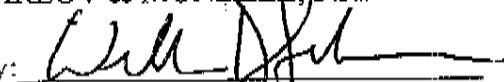
**6. Supporting documentation**

Documents supporting this claim are too numerous to attach or to itemize individually. As presently known, such documents include documents preserved in the W.R. Grace document depository as well as exhibits and depositions previously generated and/or made available by or to the Debtor in ZAI litigation.

Respectfully submitted this 30 day of May, 2002.

JOHN AND MARGERY PREBIL

By their attorneys,  
ELZUFON AUSTIN REARDON,  
TARLOV & MONRELL, P.A.

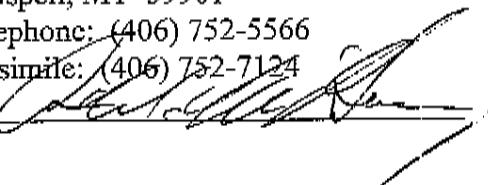
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**Questions and Answers  
about Asbestos and EPA's Libby Investigation**

**Q : If I have vermiculite insulation in my home, what should I do while the EPA is evaluating long term solutions?**

**A :** EPA continues to gather information about vermiculite insulation. To date, sampling results from Libby vermiculite (Zonolite) almost always show some level of tremolite asbestos. More importantly our sampling has indicated that anytime Zonolite is disturbed it will release fibers into the air.

**If you have or suspect that you have Zonolite insulation in your home, the safest course of action is to leave the material alone.** Avoid any activities that may spread vermiculite and asbestos into your living space such as using the attic for storage. Likewise, seal any spaces, cracks or gaps in the ceiling or around light fixtures through which asbestos could escape from the attic. If you decide to remove or must otherwise disturb the material due to a renovation project, please consult with an experienced asbestos contractor.

The Montana Department of Environmental Quality (DEQ) maintains a list of certified asbestos contractors on its website at:

[http://www.deq.state.mt.us/pcd/awm/Forms/ACP\\_Cons\\_Cont\\_Lab\\_lst.pdf](http://www.deq.state.mt.us/pcd/awm/Forms/ACP_Cons_Cont_Lab_lst.pdf)  
ext epa- 30K, PDF, about PDF files (Webmaster note, this URL is updated since the original newspaper publication)

You may also contact John Podolinsky in the DEQ Asbestos Control Program at 406-444-2690.

In the meantime, EPA will continue to compile the documents and information necessary to determine whether to remove Zonolite insulation in the Libby area. As soon as the decision is made, we will share this information with the public.

For more information call:

Paul Peronard, On-Scene Coordinator at 1-800-227-8917 x6608

Wendy Thormi, Community Involvement Coordinator at 406-441-1150 x241

October 15, 2001

**EPA Libby Links**[Community Involvement](#)[Timeline](#)[EPA Libby Asbestos Home](#)[External Links](#)

# Environmental Fact Sheet



U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 10

September 2000

## ASBESTOS IN ATTIC INSULATION

As a result of recent newspaper articles, the U.S. Environmental Protection Agency (EPA) office in Seattle has received a large number of phone calls from citizens concerned about asbestos-containing insulation in their attics. EPA is working hard to gather more information about attic insulation and other products containing vermiculite that may be contaminated with asbestos.

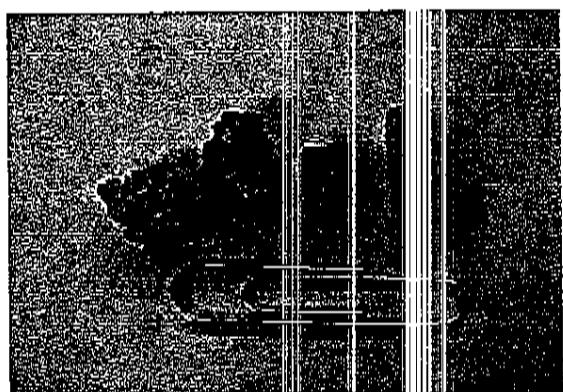
The following information provides a common sense approach to help you find out what kind of attic insulation you have and decide what to do if you have vermiculite attic insulation.

### **Background**

EPA believes that a number of manufacturers produced attic insulation from vermiculite. One mine in the United States produced over 70 percent of the world's vermiculite before the mine was closed in 1990. Ore from this mine is known to have asbestos contamination which contaminates any products from this ore.

### **Why is it a Problem?**

If disturbed, the asbestos fibers in vermiculite attic insulation may get into the air. These fibers can be inhaled and become trapped in the lungs and may cause diseases such as asbestosis, lung cancer, and mesothelioma. These diseases may show up many years after exposure to asbestos.



Pieces of Vermiculite Attic Insulation

### **What Does it Look Like?**

Vermiculite is a mineral that is shaped like a small nugget, and varies in color from silver-gold to gray-brown (see picture at right). The asbestos fibers contained in vermiculite attic insulation are generally too small to be seen without magnification. Only a trained technician using careful microscopic examination can see asbestos fibers.

### **What Should I Do if I Have it?**

Look at the insulation in your attic without disturbing it. If it appears you have vermiculite attic insulation in your attic, we recommend the following steps:

EXHIBIT

tabler

2



1. If you do not need to remodel or disturb the insulation, LEAVE IT ALONE! If it's sealed behind wallboards and floorboards or is isolated in an attic that is vented outside, the best approach is to keep it in place.
2. If you are concerned about asbestos contamination in the living quarters of your home, you can consider air monitoring. This will show if any asbestos has been or is being released from the insulation into the air in your home. The air monitoring must be done by trained professionals.
3. If you are planning to remodel or remove your insulation, have the insulation tested first.
  - A. EPA recommends using a trained and certified professional to conduct the tests. Use certified asbestos removal professionals to remove your vermiculite attic insulation using a "negative pressure enclosure" technique. This technique will prevent asbestos fibers and dust from escaping from your attic into the rest of your home. Using professionals is expensive. Do not attempt to do this yourself. You could spread asbestos fibers throughout your home, putting you and your family at risk of inhaling asbestos fibers.
  - B. After the vermiculite attic insulation is removed, you may want to consider having air monitoring tests done in your attic and throughout the living areas of your home. This is to ensure that the concentration of asbestos fibers in the home is low or not present.

## **How Do I Find a Trained and Certified Asbestos Removal Professional?**

A certified asbestos inspector will be able take samples of your insulation, provide you with information on the results, and advise you on what additional tests or options you might consider. Inspectors can be found in the Yellow Pages under "Asbestos Consulting and Testing" or "Asbestos Abatement". Ask the inspector to provide you with the name of the company that trained and certified him or her. Call that company to confirm whether a particular inspector has had the required training and has up-to-date accreditation. Companies that can test the air in your home will be found under the same listings.

## **Where Can I Get More Information?**

New information can be found on the hotline and websites below as it becomes available.

For current information on asbestos and health related information, contact EPA's TSCA Hotline at 1-202-554-1404, or visit EPA's Region 10 website at [www.epa.gov/R10earth](http://www.epa.gov/R10earth) (click on Index, then Asbestos).

Also visit the federal Agency for Toxic Substances and Disease Registry (ATSDR) website at [www.cdc.atsdr.gov](http://www.cdc.atsdr.gov), or the Washington State Department of Health at [www.doh.wa.gov/ehp/ts](http://www.doh.wa.gov/ehp/ts).

**CERTIFICATE OF SERVICE**

I, William D. Sullivan, Esquire, hereby certify that on May 30, 2002, service of the foregoing

- **Notice of Filing of Amended Proof of Claim of John and Margery Prebil**

was made upon the following parties via facsimile.

Laura Davis Jones, Esq.	Debtors	302-652-4400
D.J. Baker, Esq.	Sealed Air Corporation	212-735-2000
Matthew G. Zaleski, Esq.	Asbestos Claimants	302-426-9947
James H.M. Sprayregen, Esq.	Debtor	312-861-2200
Frank J. Perch, Esq.	United States Trustee	302-573-6497
David B. Siegel, Esq.	Grace	410-531-4783
Elihu Inselbuch, Esq.	Personal Injury Committee	212-644-6755
Lewis Kruger, Esq.	Creditors Committee	212-806-6006
Scott L. Baena, Esq.	Property Damage Committee	305-374-7593
William Katchen, Esq.		973-424-2001
Michael R. Lastowski, Esq.	Creditors Committee	302-657-4901

Dated: May 30, 2002

*/s/ William D. Sullivan*  
William D. Sullivan